

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marcos HERNANDEZ-Machado,

Defendant.

) Mag. Case No. '08 MJ 8194

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)
) Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about February 29, 2008, within the Southern District of California, defendant Marcos HERNANDEZ-Machado, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Laura OCAMPO-Jimenez, Julio MEDINA-Marin, and Jesus RAMIREZ-Espinoza, had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 3rd DAY OF MARCH 2008.

PETER C. LEWIS

United States Magistrate Judge

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by the apprehending agents, L. Hajar, G. Mendez, and S. Guzman, that on February 29, 2008, the defendant, Marcos HERNANDEZ-Machado, a citizen of Mexico was apprehended approximately seven miles east of Brawley, California on Highway 78, as he attempted to smuggle nineteen illegal aliens inside a white Chevrolet Suburban.

At approximately 8:30 P.M., the Remote Video Surveillance Operator (RVSS) observed a vehicle driving southbound south of the eastbound lanes of Interstate 8. Agent Hajar drove north on Highway 115 and east on Highway 78.

Agent Hajar positioned himself on Gecko Road and Highway 78. Agent Hajar observed a white Chevrolet Suburban pass his location. Agent Hajar noticed the Suburban had dark tinted windows and appeared heavily loaded. Agent Hajar followed the Suburban as it traveled westbound on Highway 78. Agent Hajar activated his emergency lights and sirens on his service vehicle and attempted to perform a vehicle stop. The vehicle failed to yield and continued traveling westbound on Highway 78. The driver continued westbound on Highway 78 and as he approached the intersection of Highway 115, the driver lost control of the vehicle and rolled.

Agent Hajar approached the vehicle and identified himself as a United States Border Patrol Agent and questioned the subjects as to their immigration status. Eight of the passengers were transported to Pioneers Memorial Hospital. The remaining eleven passengers were questioned as to their citizenship. All the eleven subjects stated that they were citizens of Mexico and illegally in the United States.

At approximately 4:30 A.M. the eight subjects that were transported to Pioneers Memorial Hospital were released and taken into custody. All the subjects were transported to the Calexico Station for processing.

At approximately 4:07 P.M. hours, HERNANDEZ was advised of his Miranda Rights.

Material Witnesses Laura OCAMPO-Jimenez, Julio MEDINA-Marin, and Jesus RAMIREZ-Espinoza all stated that they crossed into the United States illegally. Laura OCAMPO-Jimenez, Julio MEDINA-Marin, and Jesus RAMIREZ-Espinoza made arrangements with an unknown individual to be smuggled into the United States for fees ranging between \$1,500.00- \$2,500.00. Laura OCAMPO-Jimenez stated she was sitting in the front passenger's seat and could clearly observe HERNANDEZ as he drove the vehicle. Julio MEDINA-Marin and Jesus RAMIREZ-Espinoza stated that they were both sitting in the rear of the vehicle and could also clearly see as HERNANDEZ drove the vehicle.

Laura OCAMPO-Jimenez, Julio MEDINA-Marin, and Jesus RAMIREZ-Espinoza were shown a six-pack photo lineup; they all positively identified Marcos HERNANDEZ-Machado as the driver of the vehicle they were arrested in.

The complaint state that the names of the Material Witnesses are as follows:

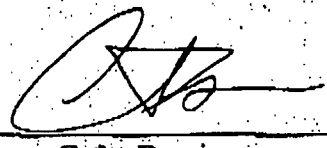
NAME	PLACE OF BIRTH
Laura OCAMPO-Jimenez	Mexico
Julio MEDINA-Marin	Mexico
Jesus RAMIREZ-Espinoza	Mexico

Further, complaint states that, Laura OCAMPO-Jimenez, Julio MEDINA-Marin, and Jesus RAMIREZ-Espinoza, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to their criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on March 2, 2008 at 1245 P.M.


Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 4 pages, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on February 29, 2008 in violation of Title 8, United States Code 1324.


Cathy Bencivengo
United States Magistrate Judge

3/2/08 1245 12:57 pm
Date/Time